REMARKS

Claims 1-43 were previously pending in the present application. Claims 8, 13-15, 27, 30, 34, 38 and 40-42 have been withdrawn. Claims 7 and 22-43 are hereby cancelled without prejudice to the claimed subject being reasserted in one or more divisional applications. Claims 1, 2 and 6 are hereby amended. Claims 1-6 and 8-21 remain pending as amended with claims 8 and 13-15 thereof being withdrawn.

Claim Objections

The claim objections stated in paragraph 2 of the above-referenced Office action are moot in light of the cancellation of claims 7 and 22-43. Applicants wish to note, however, that the recited basin element is not limited in anyway with regard to its application, and is not required to be a whirlpool basin. The elected species is not so limited and there are numerous references in the specification to the basin as being a spa, bathtub, washing machine drum or other plumbing fixture, further such a narrow reading of the term is not warranted in light of the prior art.

§112 Rejections

The 112 rejections to claims 22 and above are now moot since these claims have been cancelled. Claims 1 and 2 have been amended to recite that one (or the case of claim 2 both) of the storage tanks are "dedicated to the assembly to supply water to the basin only" [emphasis added]. This is believed to clarify the meaning of the "dedicated to" language. Also, claim 6 is amended to remove the recitation of "and/or" and instead use the "at least one of" format.

§§ 102 and 103 Rejections

Claim 1 is now the sole pending independent claim, with claims 2-6 and 8-21 depending thereon. Claim 1 (and thus all of the pending claims) are hereby amended to require that two storage tanks receive water from a water supply and store two volumes of water that when either is supplied to the basin the water supply fills the basin at a higher rate than without the associated storage tank.

The Office has taken the position that the Frederick reference discloses a system with two storage tanks, one being the conduit 28 and the other being the

pump housing 16. However, the system disclosed by Frederick is a closed loop water circulation system that merely circulates water through the basin. It does not interface with a water supply, such as a building's fresh water plumbing lines, to fill the basin. As such, it does not address the same problem addressed by the claimed invention, namely the rapid filling of a basin by enhancing, without over taxing, the main water supply system feeding water to the basin.

The stated objectives of the Frederick system are to improve efficiency and reduce noise of the circulation system and to provide low flow rates during periods of non-use and high flow rates to enhance the therapeutic effects of the spa (see col. 3, lines 16-28). These objectives are achieved by using a variable speed motor to pump lower or higher volumes of water through the basin. To promote even higher flow rates, back pressure in the system is reduced by bypassing a filter element 24 through conduit 28.

The Frederick system thus does not store water for rapid deployment to the basin for purposes of filling the basin, nor is either component identified by the Office believed to constitute a water storage tank as recited in claim 1. First, under no reasonable interpretation of the term is the motor pump housing 16 a water storage tank. Second, under the definition ascribed by the applicants to the term "tank" in paragraph 35 of the specification, a conduit is only considered a "tank" if it has a passageway of more than 3 square inches. Frederick does not disclose this, nor is there any indication that conduit 28 is anything more than a bypass line to avoid the filter. Figure 2, for example, shows conduit 28 to be the same dimension as the other lines in the system, in particular the return line back for the basin, which would not be the case if the conduit 28 were designed to be a high flow conduit.

Moreover, claim 1 recites a system having two storage tanks and a system for expediting the flow water from the storage tanks to the basin including either: (a) structures retaining one of the storage tanks above the basin for gravity assists flow; (b) conduit with a cross-sectional area of at least five square inches; (c) a

pressure pump; or (d) delivery ports with an outlet cross-sectional area totaling at least five square inches. Frederick does not discloses a system having the combination of two storage tanks and either of elements a-d.

Consequently, Frederick does not anticipate the claim 1 as amended. For the same reasons, none of the dependent claims are anticipated by Frederick.

The obviousness rejections to claims 11-12 and 18-19 based on Frederick, and the claim 9 rejection based on the combination of Frederick and Johnson, are believed overcome for the reasons stated above with respect to claim 1.

Accordingly, in light of the amendment and remarks made herein, the cited prior art is not believed to render obvious the present invention as now claimed.

Conclusion

Accordingly, claims 1-6, 9-12 and 16-21 as now amended are believed to in allowable form in light of the above amendments and remarks. Allowance of these claims is thus respectfully requested.

No fees are believed necessary for consideration of this response. Nevertheless, should any additional fees be needed for full consideration of this amendment, please charge any fees believed necessary in connection with this response to Deposit Account 17-0055.

Respectfully submitted,

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